

Filed

DEC 18 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN H. HEALY,

Plaintiff,

v.

CALIFORNIA DEPT OF  
CORRECTIONS, et al.,

Defendants.

No. C 07-6190 JF (PR)

ORDER CORRECTING ERRONEOUS  
FILING; CLOSING CASE;  
INSTRUCTIONS TO CLERK

/ (Docket No. 2)

Plaintiff, proceeding pro se, filed this civil rights complaint pursuant to 42 U.S.C. § 1983 and an application to proceed in forma pauperis on December 6, 2007. Plaintiff filed an earlier civil rights complaint with this Court, case no. C 07-5790 JF (PR), which alleges the same claims against the same Defendants as the instant complaint. It appears the instant complaint was mistakenly received and opened as a new case in this action. Because the instant case was opened erroneously, the Clerk shall terminate Plaintiff's motion to proceed in forma pauperis (docket no. 2) and close the file. The Clerk shall copy all documents in the instant case and transfer the documents to case no. C 07-5790 JF (PR).

Order Correcting Erroneous Filing; Closing Case; Instructions to Clerk  
P:\pro-se\sj.jf\cr.07\Healy190close

United States District Court  
For the Northern District of California

1 The Court will review Plaintiff's complaints in a separate written order in the earlier case,  
2 C 07-5790 JF (PR).

3 IT IS SO ORDERED.

4 DATED: 12-14-07

  
JEREMY FOGEL  
United States District Judge

United States District Court  
For the Northern District of California

United States District Court  
For the Northern District of California

1 A copy of this ruling was mailed to the following:

2 John H. Healy

3 SF Jail 2329447

4 850 Bryant Street

5 San Francisco, CA 94103

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Order Correcting Erroneous Filing; Closing Case; Instructions to Clerk  
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Filed

DEC 18 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

4  
L.H.

JOHN H. HEALY,  
Plaintiff,

No. C 07-6190 JF (PR)  
JUDGMENT

v.

CALIFORNIA DEPT OF  
CORRECTIONS, et al.,  
Defendants.

The Court has closed the instant case because the instant complaint filed on December 6, 2007 was mistakenly opened as a new case, rather than being filed in Plaintiff's pending civil rights action, case no. C 07-5790 JF (PR). Accordingly, a judgment of dismissal without prejudice is entered. The Clerk shall close the file.

IT IS SO ORDERED.

DATED: 12-14-07

JEREMY FOGEL  
United States District Judge

**United States District Court**  
For the Northern District of California

1 A copy of this ruling was mailed to the following:

2 John H. Healy

3 SF Jail 2329447

4 850 Bryant Street

5 San Francisco, CA 94103

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Judgment

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## E-filing

**COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §§ 1983**

Name HEALY JOHN H  
 (Last) (First) (Initial)

Prisoner Number 2329447

Institutional Address SF Co Jail 850 BRYANT ST  
San Francisco, CALIF 94103-94103-4603

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

John Harvey Healy  
 (Enter the full name of plaintiff in this action.)

vs.

Calif. Dept. of Corrections  
San Quentin State Prison  
State of California

(Enter the full name of the defendant(s) in this action.)

CV 07 6190

Case No. 6190  
 (To be provided by the clerk of court.)

COMPLAINT UNDER THE (PR)  
 CIVIL RIGHTS ACT,  
 42 U.S.C. §§ 1983

[All questions on this complaint form must be answered in order for your action to proceed.]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

- A. Place of present confinement San Francisco Co Jail  
(took place @ SQ State Prison)
- B. Is there a grievance procedure in this institution?  
 YES (X) NO ( )
- C. Did you present the facts in your complaint for review through the grievance procedure?  
 YES ( ) NO (X)
- D. If your answer is YES, list the appeal number and the date and result of the

COMPLAINT

1 appeal at each level of review. If you did not pursue a certain level of appeal,  
2 explain why.

3 1. Informal appeal May / June 2007, Answer stated  
4 that they were processing me & as soon as process  
5 was finished I would be released & that at this 2. First  
6 formal level point there was nothing on me. They were looking  
7 for my file. I was told it was granted.

8  
9 3. Second formal level \_\_\_\_\_  
10  
11 \_\_\_\_\_ 4 Third  
12 formal level \_\_\_\_\_  
13  
14 \_\_\_\_\_

15 E. Is the last level to which you appealed the highest level of appeal available to  
16 you?

17 YES ( ) NO (X)

18 F. If you did not present your claim for review through the grievance procedure,  
19 explain why. I was told personally by C/P's & Lt's that by the time I sent  
20 it in I got an answer. I'd be released. Also 602 appeal Answer told me there was  
21 nothing else that could be done & that they'd approved it & I'd be out in a few days.  
22 Sgt Evans & Lt Munoz had seen my appeal. Munoz had physical pass of it  
23 II. Parties & was on it.

24 A. Write your name and your present address. Do the same for additional plaintiffs,  
25 if any.

26 John H. Healy 2329447

27 850 BRYANT ST

28 San Francisco, Calif 94103-4603

B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

Records Dept. San Quentin State Prison, Calif Dept of Corrections  
of the State of California

III.

### Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

~~I was~~ I was doing a 9 1/2 <sup>State</sup> parole viol. while @ S.F. Co. Jail. My parole viol. was up in mid-May two days before I was still transferred to San Quentin State Prison. I had previously written Calif Dept Corr / Records Analyst & Legal Dept & received a statement that my discharge date was April 2007 on OBIS computer base that it had not been updated yet to add my absconing time. With that added I would discharge all parole & state commitments on June 2<sup>nd</sup> or June 9<sup>th</sup> 2007. OBIS the State of Calif claims is always up to date on every inmate. I arrived @ SOSP on a Wed. in mid May 2 days after release date & 3 weeks before discharge date. I wrote 2 - 602 appeals & was approved though I still was not released. Sgt King, Sgt ~~Monroe~~ & especially Lt Monroe read the <sup>Statement</sup> I had from Sacramento & made calls & Records said yes I was now (Now June 2007) past my release date & past my discharge date but couldn't locate any record of me. All through ~~the~~ approx May 21<sup>st</sup> thru June 14<sup>th</sup> (10 to 17 days past discharge) the Lt & Sgts. tried to get no act. Lt Monroe walked my paperwork thru & still no release even though they admitted I were correct. I was not only past my release date but eventually my discharge date as well as this IV. Relief all took place, I was still being held. I was held against my will 10 days past my complete discharge of parole. And 30 (plus) days past my release. Your complaint cannot go forward unless you request specific relief. State briefly exactly

what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

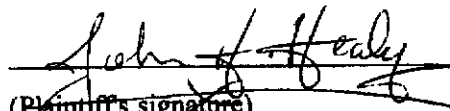
Monetary - Money for each day <sup>held</sup> past discharge date.

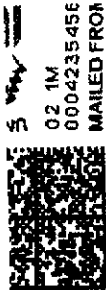
COMPLAINT



1  
2  
3  
4  
5  
6  
7 I declare under penalty of perjury that the foregoing is true and correct.

8  
9 Signed this 16<sup>th</sup> day of November, 20 07

10  
11   
12 (Plaintiff's signature)  
13  
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RECEIVED

DEC 5 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO SHERIFFS DEPARTMENT  
PRISONER LEGAL SERVICES  
555 SEVENTH STREET, 2ND FLOOR  
SAN FRANCISCO, CA 94103

US Dist Court  
450 Golden Gate  
SF CA 94102

E-filing

FILED  
07 DEC -6 PM 1:51  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

John Harvey Healy Plaintiff,

vs.  
Calif Dept of Corrections  
San Quentin State Prison  
State of California Defendant.

CV 07 6190  
CASE NO. \_\_\_\_\_

PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS

JF  
(PR)

I, John H. Healy, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: \_\_\_\_\_ Net: \_\_\_\_\_

Employer: \_\_\_\_\_

1 If the answer is "no," state the date of last employment and the amount of the gross and net  
 2 salary and wages per month which you received. (If you are imprisoned, specify the last  
 3 place of employment prior to imprisonment.)

4 ~~1st~~ Early 1990's - Davey's Roofing, Irvine Calif.  
 5 Peckle's Roofing, Orange, Calif  
 6 (I think)

7 2. Have you received, within the past twelve (12) months, any money from any of the  
 8 following sources:

- 9 a. Business, Profession or Yes \_\_\_ No ☒  
 10 self employment  
 11 b. Income from stocks, bonds, Yes \_\_\_ No ☒  
 12 or royalties?  
 13 c. Rent payments? Yes \_\_\_ No ☒  
 14 d. Pensions, annuities, or Yes \_\_\_ No ☒  
 15 life insurance payments?  
 16 e. Federal or State welfare payments, Yes ☒ No \_\_\_  
 17 Social Security or other govern-  
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount  
 20 received from each.

21 \$200, State / release parole money - June 2007  
 22

23 3. Are you married? Yes \_\_\_ No ☒

24 Spouse's Full Name: \_\_\_\_\_

25 Spouse's Place of Employment: \_\_\_\_\_

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

28 4. a. List amount you contribute to your spouse's support: \$ \_\_\_\_\_

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

5. Do you own or are you buying a home? Yes \_\_\_ No ☒

Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

6. Do you own an automobile? Yes \_\_\_ No ☒

Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

Is it financed? Yes \_\_\_ No \_\_\_ If so, Total due: \$ \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_

7. Do you have a bank account? Yes \_\_\_ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: \_\_\_\_\_

Present balance(s): \$ \_\_\_\_\_

Do you own any cash? Yes ☒ No ☒ Amount: \$ 4.00/KX

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes \_\_\_ No ☒

8. What are your monthly expenses?

Rent: \$ \_\_\_\_\_ Utilities: \_\_\_\_\_

Food: \$ \_\_\_\_\_ Clothing: \_\_\_\_\_

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

9. Do

1 you have any other debts? (List current obligations, indicating amounts and to whom they are  
2 payable. Do not include account numbers.)

3 No  
4

5 10. Does the complaint which you are seeking to file raise claims that have been presented  
6 in other lawsuits? Yes      No X

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in  
8 which they were filed.

9  
10

11 I consent to prison officials withdrawing from my trust account and paying to the court  
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and  
14 understand that a false statement herein may result in the dismissal of my claims.

15  
16 11/16/07  
17 DATE

18 John J. Fealy  
19 SIGNATURE OF APPLICANT  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case Number: \_\_\_\_\_

**CERTIFICATE OF FUNDS**  
**IN**  
**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of John Healy for the last six months

at

2325447

[prisoner name]

SAN FRANCISCO SHERIFFS DEPT where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 22.86 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 8.64.

Dated: 11-29-07

lt. w #1091

[Authorized officer of the institution]

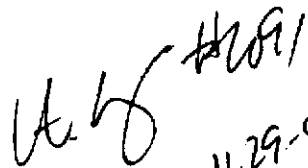
Date : 11/29/2007

Time : 06:23

## Account Activity Ledger

From : 08/17/2007 To : 11/29/2007

Trx Date	Time	Batch /Inv #	Trx #	Trx Type	Invoice	Deposit	Withdrawal	Other	Balance Forward
ID 2329447		Name HEALY, JOHN		Block 7M AA 50		Previous Balance		0.00	
08/17/2007	16:54	B#227401	708778	Deposit		35.00			35.00
Comment Initial Entry				Cash					
08/22/2007	04:23	I#261606		Invoice	10.12				24.88
Comment Sales Transaction									
08/29/2007	04:24	I#262804		Invoice	24.48				0.40
Comment Sales Transaction									
10/07/2007	04:42	B#238146	732184	Deposit		20.00			20.40
Comment western union				Money Order 08777191969					
10/10/2007	05:35	I#270514		Invoice	18.95				1.45
Comment Sales Transaction									
10/17/2007	04:51	I#271706		Invoice	1.13				0.32
Comment Sales Transaction									
11/11/2007	04:42	B#245982	749072	Deposit		25.00			25.32
Comment postal money order				Money Order 11649453197					
11/14/2007	05:27	I#275943		Invoice	20.43				4.89
Comment Sales Transaction									
11/21/2007	04:49	I#277576		Invoice	4.78				0.11
Comment Sales Transaction									
				Deposits	3	For \$	80.00		
				Withdrawals	0	For \$	0.00		
				Invoices	6	For \$	79.89		

  
 11-29-07